

**REMARKS**

Claims 1, 3-11 and 13-21 are pending in the present application. Claims 2 and 12 have been cancelled without prejudice. New claims 14-21 have been added.

Claims 1, 2, 4, 12 and 13 were rejected under 35 USC §102(b) as being anticipated by US Patent 5,884,425 (*Baldwin*).

Claim 3 was rejected under 35 USC §103(a) as being unpatentable over *Baldwin*.

Claims 5 and 6 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view of US Patent 5,981,166 (*Mandecki*).

Claims 7 and 8 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view of US Patent 5,477,219 (*Zaremba*).

Claims 9 and 10 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view of *Zaremba* and in further view of *Mandecki*.

Claim 11 was rejected under 35 USC §103(a) as being unpatentable over US Patent 5,920,290 (*McDonough*) in view of US Patent 6,002,344 (*Bandy*).

Claim 1 is a tamper evident RFID tag with numerous limitations including that the tamper evident label material is a vinyl with tencel and tear resistant such that the tamper evident label material one of tears and breaks upon attempted removal from a substrate. *Baldwin* does not teach or suggest a tamper evident RFID tag with all the limitations of claim 1 including the tamper evident label material being a vinyl with tencel and tear resistant such that the tamper evident label material one of tears and breaks upon an attempted removal from the substrate. *Baldwin* discloses the use of a monoaxially-oriented polyolefin. A polyolefin is a polymer of an olefin whereas a vinyl is a substance where the hydrogen has been removed from the ethylene. A polyolefin is not a vinyl. Further, *Baldwin* states that the use of the monoaxially oriented polyolefin film is **significant**. See for example, *Baldwin* at column 11, line 31-33. *Baldwin* does acknowledge that the substrate material, i.e. the material to which the label is attached, can be made of a vinyl such as PVC. See for example, *Baldwin* at column 8, lines 64-67. However, there is no suggestion that the label can be vinyl. Accordingly, *Baldwin* does not teach or suggest a tamper evident RFID tag with all the limitations of claim 1. Thus, claim 1 and the claims that depend therefrom are patentable.

Claim 5 is a tamper evident RFID tag including a hologram on the label material. *Baldwin* alone or in combination with *Mandecki* does not teach or suggest a tamper evident

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RFID tag with all the limitations of claim 5. *Baldwin* does not teach or suggest a tamper evident RFID tag with all the limitations of claim 5 including that the tamper evident label material is a vinyl and that there is a hologram on the label material. *Mandecki* does not make up the deficiencies in *Baldwin*. Accordingly, *Mandecki* alone or in combination with *Baldwin* does not teach or suggest a tamper evident label with all the limitations of claim 5. *Mandecki* does not disclose using transponders in combination with the holographic encoding of an image of the serial number. Rather, *Mandecki* discloses using a holographic encoding as an alternative to transponders. See for example, column 4, lines 44-49. Accordingly, *Mandecki* alone or in combination with *Baldwin* does not teach or suggest a tamper evident label with all the limitations of claim 5.

Claim 6 is a tamper evident RFID tag including microprinting on the label. *Baldwin*, alone or in combination with *Mandecki* does not teach or suggest a tamper evident label with all the limitations of claim 6. There must be some teaching, suggestion or motivation in the prior art to combine references. Here, there is no teaching or suggestion to combine *Mandecki* with *Baldwin* and in fact, *Mandecki* teaches away from the combination of references. *Mandecki* is a RFID tag coated with a particular chemical compound. The compound or mixture is used for scientific study and thus must not be contaminated. The RFID tag is used to keep track of which compound is the coating. One would not combine a chemical compound which is intended to be a pure chemical compound or a mixture of compounds with an adhesive or ink as these might contaminate the chemical. Accordingly, one skilled in the art would not combine *Baldwin* with *Mandecki*. *Mandecki* does not disclose microprinting on the label material of a transponder. Rather, *Mandecki* discloses microprinting as an alternative to using a transponder. See for example, column 4, lines 44-49. Accordingly, *Mandecki* alone or in combination with *Baldwin* does not teach or suggest a tamper evident label with all the limitations of claim 6.

Independent claim 7 is a tamper evident RFID tag comprising among other limitations a clear label material, a silicone pattern pigmented adhesive on a backside wherein separation of the tag from the substrate results in incomplete separation in the form of the silicone pattern and said pattern becomes visible.

*Zaremba* does not teach or suggest a tamper evident RFID tag with all the limitations of claim 7. Specifically, in *Zaremba* the layer of reflective microspheres is an entire layer where some microspheres have a different degree of reflectivity to provide a reflective legend. *Zaremba* does not teach or suggest a pattern of microspheres where separation of the tag from the substrate results in an incomplete separation of the adhesive

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in the form of the pattern allowing said pattern to be visible. Because the micro spheres are over an entire layer in *Zarembo* any separation would not result in the pattern becoming visible, but rather would result in the destruction of the legend. Accordingly, *Zarembo* alone or in combination with *Baldwin* does not teach or suggest a tamper evident label with all the limitations of claim 7. Claims 8-10 depend from claim 7 and thus are patentable for the reasons discussed above. *Mandecki* does not make up the limitations in *Baldwin* or *Zarembo*. As discussed above, *Mandecki* does not teach or suggest a tag in combination with a hologram and/or microprinting. Rather, *Mandecki* teaches using microprinting and/or a hologram in place of a transponder. Accordingly, claims 7 - 10 are patentable.

Claim 11 is a tamper evident RFID transponder with numerous limitations including the base film having tear cuts whereby attempted removal of the transponder from the transponder causes tear cuts to expand and to sever a connection between the printed antenna and the integrated circuit chip. *McDonough* alone or in combination with *Bandy* does not teach or suggest a tamper evident RFID transponder wherein tear cuts on the base film expand and sever a connection when someone attempt to remove the RF transponder from a substrate. In *Bandy*, there are perforated tears running across the antenna. The perforations cause the tag to separate at the perforation. The tear cuts of claim 11 are located at one or more edges of the base film. They do not cross the entire label. Further, the perforations of *Bandy* do not expand upon attempted removal from a substrate. Accordingly, *McDonough* alone or in combination with *Bandy* does not teach a tamper evident transponder with all the limitations of claim 11 and claim 11 is patentable.

### **CONCLUSION**

Applicant asserts that all of the objections have been obviated and, therefore now respectfully requests withdrawal of the objections, and allowance of the application.

### **REQUEST FOR EXTENSION OF THE TERM**

Applicant respectfully requests an extension of the normal term which expired on September 5, 2003, for 1 month(s), to October 5, 2003.

Submitted herewith is a check for \$110 to cover the cost of the extension.

Any deficiency or overpayment should be charged or credited to Deposit Account Number 04-2219, referencing our Docket Number 13019.

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450, on October 1, 2003.

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